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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,145	09/09/2003	Richard Wilfred Wright		5398

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EXAMINER

REIFSNYDER, DAVID A

ART UNIT PAPER NUMBER

1723

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/658,145

Applicant(s)

WRIGHT, RICHARD WILFRED

Examiner

David A. Reifsnyder

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1; the recitation of "an internal rotating arm an hub that incorporates the infeed and even distribution of mixed sugar juice and simultaneously, permits the extraction of clear (clarified) juice and precipitate (mud) as the arm rotates about the center of the clarification tank"; is vague and indefinite as to how the internal rotating arm and hub incorporates the infeed and even distribution of mixed sugar juice and simultaneously, permits the extraction of clear (clarified) juice and precipitate (mud) as the arm rotates about the center of the clarification tank. Furthermore, the recitation of "the infeed" is vague and indefinite as to whether the "infeed" is supposed to be an apparatus limitation or not. If the "infeed" is meant to be an apparatus structure, then it is vague and indefinite as to how the "infeed" is structurally related to the "internal rotating arm and hub".

Regarding claim 2; the recitation of "the different density liquid components" lacks antecedent basis, because the applicant never claimed different density liquid components. Furthermore, the recitation of "the sugar mixed juice" lacks antecedent

basis, because the applicant claimed "a mixed sugar juice", not a sugar mixed juice. Furthermore the recitation of "sugar mixed juice", does not make sense. Lastly, the recitations of "the hydraulically turbulent-free, state of the settlement volume" and "the contents of the clarifier" both lack antecedent basis.

Regarding claim 3; the recitation of "the introduction of the mixed juice" is vague and indefinite as to whether "the introduction of the mixed juice" is the same as "the infeed and even distribution of mixed sugar juice" claimed in claim 1. In addition, it is vague and indefinite as to how the "variable sized apertures" are structurally related to "the rotating arm assembly". Lastly, the recitations of "the rotating arm assembly", "the respective incoming and extracted liquids" and "the clarifier contents" all lack antecedent basis.

Regarding claim 4; the recitations of "the hydraulically turbulent-free, settlement volume" and "the clarifier body" both lack antecedent basis. Furthermore, it is vague and indefinite as to what the applicant means by "conventional clarifiers".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Chatain.

Regarding claims 1-4; Chatain discloses a sugar juice clarification apparatus comprising a cylindrical clarification tank with a central internal rotating arm and hub. (see Fig. 5)

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Chacon.

Regarding claims 1-4; Chacon discloses a sugar juice clarification apparatus comprising a cylindrical clarification tank (12) with central internal rotating arms and hub. (see Fig. 1)

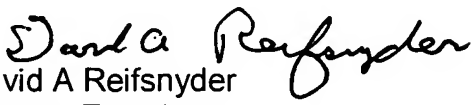
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David A. Reifsnyder whose telephone number is (571) 272-1145. The examiner can normally be reached on M-F 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda M. Walker can be reached on (571) 272-1151. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


David A Reifsnyder
Primary Examiner
Art Unit 1723

DAR